MAIL STOP AF
PATENT
2005-1038

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Martin MASTENBROEK et al. Conf. 9725

Application No. 10/584,216 Group 3634

Filed October 23, 2006 Examiner Colleen Quinn

SAFETY DEVICE FOR A FALL RESTRAINT

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Assistant Commissioner for Patents February 10, 2012
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants request a pre-appeal brief review of the final rejection in the above-identified application. No amendments are being filed with this request.

A Notice of Appeal is filed herewith.

The review is requested for the reasons advanced on the attached sheets.

Respectfully submitted,

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REASONS IN SUPPORT OF REQUEST FOR REVIEW

Claims 1-5, 7-15 and 20 are pending.

Claim 1 is the only independent claim and is the subject of the present request for pre-appeal brief review.

Claims 1-5, 7, 8 and 10-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zinc, DE 20109056.

Zink is concerned with a safety device to which a person working on a roof may secure himself. The safety device of Zink uses ballast to keep anchoring means of the safety system fixated under weight pressure on the surface of the roof. Zink discloses the anchoring means (5) being connected to a woven mesh net (1) over which a heavy layer of gravel (4) is provided to keep the net on the roof surface even in the event of a fall of a person secured thereto from the roof. Only in a specific embodiment as disclosed in figure 2 of Zink is a second net (8) disclosed, which net (8) is used according to Zink to reduce a mesh opening size in the net to prevent the woven mesh net (1) from being pulled through the layer of gravel in the event of a fall.

Moreover, the anchoring means in Zink are accordingly also not connected to the woven mesh net (1) via the net (8). In fact Zink discloses that the anchoring means (5) are integral with the woven mesh net (1) (see page 2, last paragraph" ausrollbaren Gewebe und integrierten Anschalgmoglichkeiten"), and are hence not at all connected with the separate second net (8).

Since Zink relates to a safety device which employs

ballast for securing, it is not necessary to connect the woven mesh net (1) and second net (8), since the layer of gravel will hold these together.

However, the present invention as claimed relates to a safety device that uses a glue, weld or other type of adhesion of the fastening flap to the roof surface. This way application of an inconvenient heavy ballast is not required, but the parts of the safety device, such as the fastening net extending from the fastening flap, have to be connected to each other.

Accordingly the present main claim explicitly describes that the fastening net is incorporated and that the anchoring means are connected via the fastening net to the fastening flap.

Because Zink fails to disclose or suggest a fastening net incorporated in the roll of roof-covering material and furthermore does not disclose or suggest that anchoring means are connected to a fastening flap via the fastening net, the present application is considered both novel and non-obvious over Zink.

For at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Zinc.

Withdrawal of the rejections is respectfully requested.